
OLR Bill Analysis

SB 821 (File 55, as amended by Senate "A")*

AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT.

SUMMARY:

This bill prohibits an employer from hindering or preventing, or attempting to hinder or prevent, an employee's efforts to make a good faith report as a mandated reporter or testify in a child abuse or neglect proceeding. The law already prohibits discharging, or discriminating or retaliating against, an employee for making such reports or providing such testimony. By law, mandated reporters are legally required to file complaints when they have a good faith belief that a child is being or at risk of being harmed by a parent or other person having responsibility for the child's care or custody. The attorney general may sue an employer who violates this provision, and a court may impose a penalty of up to \$2,500 on a violator and order other equitable relief it deems appropriate.

The bill also modifies the protections of the whistleblower statute that regulates employer-employee relationships by prohibiting employers from discharging, disciplining, or otherwise penalizing an employee who is a mandated reporter for reporting a suspected incident of child abuse or neglect. (The law already prohibits an employer from taking such action against an employee who reports a law violation or suspected law violation to a public body.) By law, an employee may sue an employer who violates this provision for job reinstatement, back pay, and reestablishment of employee benefits after exhausting all available administrative remedies.

*Senate Amendment "A" prohibits an employer from attempting to hinder or prevent an employee's efforts to make a good faith report as a mandated reporter or testify in a child abuse or neglect proceeding.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Mandated Reporters

Mandated reporters (as listed in CGS § 17a-101) are:

1. licensed physicians or surgeons, resident physicians or interns working in Connecticut hospitals, registered or licensed practical nurses, and mental health professionals or physicians assistants;
2. medical examiners;
3. dentists and dental hygienists;
4. psychologists;
5. certain school employees who have regular contact with students at public or private elementary, middle, or high schools;
6. social workers;
7. police officers;
8. juvenile and adult probation and parole officers;
9. clergy members;
10. pharmacists;
11. physical therapists;
12. optometrists, chiropractors, and podiatrists;
13. licensed or certified emergency medical services providers;
14. licensed or certified alcohol and drug counselors, licensed marital or family therapists, licensed professional counselors, and sexual assault and battered women's counselors;

15. licensed foster parents;
16. people paid to care for children in a public or private facility, child day care center, group day care center, group day care home, or family day care home licensed by the state;
17. Department of Children and Families employees;
18. Department of Public Health employees responsible for licensing child day care centers, group day care homes, family day care homes, or youth camps;
19. the child advocate and her employees; and
20. Judicial Branch employees working as family relations counselors, counselor trainees, and family services supervisors.

COMMITTEE ACTION

Children Committee

Joint Favorable

Yea 12 Nay 0 (02/28/2013)

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (05/01/2013)